

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
NELSON GONZALEZ

Plaintiff,

- against -

THE ULANOV PARTNERSHIP INC.
and NICHOLAS ULANOV,Defendants.
-----X

: 08 Civ. 4467 (VM)

: **NOTICE OF MOTION TO**
: **DISMISS PURSUANT TO**
: **RULE 12(b)(6) AND FOR**
: **SUMMARY JUDGMENT**
: **PURSUANT TO RULE 56**

PLEASE TAKE NOTICE THAT, upon the annexed statement pursuant to Local Civil Rule 56.1, the Declaration of Nicholas A. Ulanov, executed on July 25, 2008, the exhibits thereto, and the accompanying memorandum of law, defendants The Ulanov Partnership Inc. and Nicholas Ulanov, by and through their undersigned counsel, hereby moves this Court pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure for an order dismissing and/or granting defendants summary judgment on: (a) plaintiff's claim for sums allegedly remaining unpaid on a \$20,000 bonus awarded on May 31, 2001 and a \$12,500 bonus awarded on April 9, 2002; (b) plaintiff's claims for compensation from January 2003 until his resignation; (c) plaintiff's New York State Labor Law Claims to the extent they seek recovery in respect of the period during which plaintiff was an independent contractor for the Company, and to the extent they seek recovery of allegedly unpaid bonuses; (d) plaintiff's third cause of action for quantum meruit/unjust enrichment; (e) plaintiff's claim for allegedly unpaid salary for work performed while he was an employee of the Company to the extent he has, in fact, been paid; (f) plaintiff's claim seeking reimbursement for \$23,093.41 in expenses allegedly incurred on

behalf of the Company; (g) all of plaintiff's claims against Ulanov; and (h) and such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b), all papers in opposition to the Motion shall be served on or before August 11, 2008.

Dated: New York, New York
July 25, 2008

Respectfully submitted,

FRIEDMAN KAPLAN
SEILER & ADELMAN LLP

/s/ Lance J. Gotko

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